IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 19927 of 2006(V)

PETITIONER:

P. ANANTHARAMA, S/O.P.K.SNATHAPAYYA,
RESIDING AT KEEKAN, P.O.KEEKAN,
KASARAGOD DISTRICT.

BY ADV. SRI.K.SHRIHARI RAO
SRI.P.N.ANOOP

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KASARAGOD.

2. THE R.D.O., KASARAGOD AT KANHANGAD,
KASARAGOD DISTRICT.

3. THE SPECIAL DEPUTY TAHSILDAR (R.R.)
HOSDURG, KANHANGAD, KASARAGOD DISTRICT.

4. SATHYAN POOCHAKKAD,
S/O. B.V. KUNHIRAMAN, THAYATH VEEDU,
KEEKAN P.O., KASARAGOD DISTRICT.

5. THE MANAGER, SYNDICATE BANK,
PALLIKARA BRANCH, PALLIKARA,
KASARAGOD DISTRICT.

R1 TO 3 BY G.P. SMT.M.K.PUSHPALATHA
R4 BY ADV. SRI.T.K.VIPINDAS
R5 BY ADV. SRI.M.P.ASHOK KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE ORDER DT.8.3.99 OF R2.

P2: TRUE COPY OF ORDER DT.6.7.2006 OF R1.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.19927 of 2006

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Dated this the 15th day of June, 2007.

JUDGMENT

The petitioner is challenging sale of his property to 4th respondent in recovery proceedings by recovery authority. The sale is obviously at a ridiculously low price because 44 cents of land was sold for Rs.11,000/-. Moreover, the purchaser even after purchasing the property more than 10 years back, has not taken possession of the property on account of stay order issued by this court. Counsel for the 5th respondent-Bank submitted that the petitioner has cleared the entire arrears. Strangely, the amount collected from 4th respondent towards sale consideration is stated to be still with the 3rd respondent. In the circumstances, I feel property can be restored to the petitioner after adequately compensating the 4th respondent. The petitioner is directed to pay rupees fifty thousand to 4th respondent. There will also be direction to the third respondent to refund Rs.11,000/- collected from the 4th respondent without recovering any collection charges. The petitioner as well as 3rd respondent will make payment to 4th respondent within one month from today. W.P. is disposed of as above. Sale will stand set aside on payment.

C.N.RAMACHANDRAN NAIR
Judge

pms